



# UNITED STATES PATENT AND TRADEMARK OFFICE

54  
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/724,655	11/28/2000	Dennis M. Adderton	1267.007	7710

7590

07/17/2002

Jay G. Durst  
Boyle Fredrickson Newholm Stein & Gratz S.C.  
250 East Wisconsin Avenue  
Suite 1030  
Milwaukee, WI 53202

EXAMINER

DICKENS, CHARLENE

ART UNIT

PAPER NUMBER

2855

DATE MAILED: 07/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/724,655

Applicant(s)

Addertmetal

Examiner

D. Clans

Group Art Unit

2855

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

4-16-02

- ☒ Responsive to communication(s) filed on \_\_\_\_\_
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-23 / 29-70 is/are pending in the application.
- ☐ Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-23 / 29-70 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

- ☒ The proposed drawing correction, filed on 4-16-02 is ☒ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some\* ☐ None of the:
  - ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No. (s) \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

Office Action Summary

1. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 4/16/02 have been approved by the Examiner. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371c of this title before the invention thereof by the applicant for patent.

3. Claims 1-5, 7-17, 19-23 and 29-70 rejected under 35 U.S.C. 102(e) as being anticipate by Grahm. Grahm teaches a sensor assembly having three axes embedded in an elastomeric material, i.e., tire, (col. 1, lines 30-34 & col. 5, lines 5-26-31), having a hardness between 50 and 70 Shore A (col. 9, lines 59-63), the assembly comprising: a first pair of piezoelectric strain (col. 6, lines 5-7) sensors 52 disposed along a first pair of respective planes that intersect, said first sensors detecting a force in a first direction (col. 12, lines 1-4), wherein a first pair of axes are generally oriented at a first angle  $\theta$  with respect to the first direction (Fig. 1A); a second pair of

piezoelectric strain (col. 6, lines 5-7) sensors 52 disposed along a second pair of respective planes that intersects, said second sensors detecting a force in a second direction (col. 2, lines 5, 6), wherein a second pair of axes are generally oriented at a second angle  $\theta$  with respect to the second (Fig. 1A) direction 1A; wherein the first and second angles are equal; wherein the first and second pair of sensors are disposed on first and second opposed faces of a pyramid-shaped body (Figs. 5, 5A, 5D, 6, 7B-7D, 17); the body is made of the same or different material as the elastomeric material (col. 8, lines 60-68); the first and second pairs of sensors are coupled to the body with adhesive; and wherein the force measured in the first direction is equal to the difference between the outputs of said first sensors, and the force measured in the second direction is equal to the difference between the outputs of said second sensors (col. 12, lines 7-66 bridging col 13, lines 1-50); and the forces on said first and second sensors equals a force in a third direction (col. 13, lines 51-67 bridging col. 14, lines 1-34); a Wheatstone bridge circuit (Fig. 12). The steps in the claimed method of claims 30-68 are deemed to be clearly anticipated by the functions of the structure of the apparatus discussed above.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 6 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grahn. Claims differ from Grahn above with the recitations of parallel plate sensors and that the sensors are at an angle of 45°. Grahn discloses strain sensors (col. 7, lines 1-4). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporate parallel plate capacitor sensors in Grahn for the purpose of improving the sensing capabilities of a sensor. Next, Grahn discloses sensors that can be positioned at different angles (col. 7, lines 1-4). Where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experiment. In re Swain et al., 33 CCPA (Patents) 1250, 156 F.2d 239, 70 USPQ 412; Minnesota Mining and Mfg. Co. v. Coe, 69 App. D.C. 217, 99 F.2d 986, 38 USPQ 213; Allen et al. v. Coe, 77 App. D.C. 324, 135 F.2d 11, 57 USPQ 136. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have performed routine experimentation in the modified Grahn to arrive with sensors which are at an angle of

45° for the purpose of improving the sensing capabilities of a sensor.

6. Applicants' arguments filed 4/16/02 have been fully considered but they are not persuasive. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the three-axis sensor directly detects forces) are not recited in the rejected claim(s).

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicants go on to argue Grahn does not use substantially real-time detection. The Examiner disagrees with this argument. Grahn uses strain gauges to detect the deformation and this detection is done in real-time.

Accordingly, the arguments are not deemed to be persuasive and Grahn teaches and suggests the applicants' claimed invention.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is

not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this or earlier communications from the examiner should be directed to Charlene Dickens whose telephone number is (703) 305-7047. Any inquiry of a general




Benjamin R. Fuller  
Supervisory Patent Examiner  
Technology Center 2800

Application/Control Number: 09/724,655  
Art Unit: 2855

Page 7

nature or relating to the status of this application should be directed to the Technology Center's receptionist whose telephone number is (703) 308-1782. The fax numbers for the Center are (703) 305-3431 and (703) 305-3432.



cd/dickens  
July 13, 2002